IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8454 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GIRIRAJSINH ANIRUDDSINH JADEJA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8454 of 2003

MR RM CHHAYA for Petitioner No. 1-4

Ms MD MEHTA, AGP, with MR SN SHELAT, ADVOCATE GENERAL, for Respondent No. 1

MR JASWANT K SHAH for Respondent No. 2

MR AMAR D MITHANI for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 14/10/2004

ORAL JUDGEMENT

RULE. Service of rule is waived by learned AGP Ms. Maithili Mehta for respondent No. 1, learned advocate Shri Jaswant Shah for respondent No. 2 and by learned by advocate Shri Amar Mithani for respondent No. 3. At the request of the learned advocates, the petition is finally heard today.

2. Looking to the development, which has taken place during the pendency of the petition, I do not think it necessary to go into the merits of the case. Suffice it to state that the petitioners were doing business on the land, which was required by respondent No. 2 for the purpose of laying down a road. As the petitioners are to be displaced, respondents Nos. 2 and 3 are prepared to help the petitioners so that they can continue to do their business.

3. It has been submitted by learned advocate Shri Mithani appearing for respondent No. 3, in pursuance of instructions received by him from the president of respondent No. 3, that respondent No. 3 is constructing certain shopping centres, and if the petitioners apply to have shops on lease, their applications shall be duly considered. A letter giving such instructions, dated 12.7.2004, is taken on record. Similarly, learned advocate Shri Jaswant Shah has also submitted that respondent No. 2 has certain relocation sites and some land where the petitioners can be accommodated, if the petitioners submit their applications for grant of the same.

4. In the aforestated circumstances, the petitioners shall submit their applications to respondents Nos. 2 and 3. If no shop is leased to the petitioners by respondent No. 3, learned advocate Shri Shah has assured this court, in pursuance of instructions received from Shri Sharma, Town Planner, Bhachau, that respondent No. 2 shall allot plots at relocation sites in accordance with its land disposal policy.

5. In view of the aforesaid assurances given to the petitioners, learned advocate Shri Chhaya seeks permission to withdraw the petition. Permission for withdrawal of the petition is granted. The petition stands disposed of as withdrawn. Rule is discharged with no order as to costs. Ad-interim relief stands granted earlier stands vacated.

(A.R. Dave, J.)

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